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CAUSE NO. 12,764

THE STATE OF TEXAS	§	IN THE DISTRICT COURT OF
	§	
VS.	§	TITUS COUNTY, TEXAS
	§	
BILLY JOE WARDLOW	§	76TH JUDICIAL DISTRICT

STATEMENT OF FACTS

MOTION FOR DISCOVERY, PRODUCTION  
AND INSPECTION OF EVIDENCE NO.1

October 11, 1994

VOLUME 7 of 43 volumes

FILED IN  
COURT OF CRIMINAL APPEALS

OCT 11 1995

Troy C. Bennett, Jr., Clerk

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VOLUME 7

MOTION FOR DISCOVERY, PRODUCTION

AND INSPECTION OF EVIDENCE NO. 1

OCTOBER 11, 1994

PAGE/VOLUME

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## VOLUME 7

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October 11, 1994

VOLUME 7 of 43 volumes

Before Honorable Gary R. Stephens

Judge by Judicial Assignment

(Venue changed from Morris County, Texas)

APPEARANCES

ATTORNEYS FOR THE STATE OF TEXAS:

MR. RICHARD TOWNSEND  
District Attorney  
Morris County Texas  
Morris County Courthouse  
Daingerfield, Texas 75638

and

MR. RANDY LEE  
Assistant District Attorney  
Cass County Texas  
P.O. Box 940  
Linden, Texas 75563

1 ATTORNEYS FOR THE DEFENDANT:

2 MR. BIRD OLD, III  
3 Old, Rolston & Old  
4 P.O. Box 448  
5 Mt. Pleasant, Texas 75456-0448

6 and

7 MR. LANCE HINSON  
8 Law Offices of Danny Woodson  
9 P.O. Box 399  
10 Mt. Pleasant, Texas 75456-0399  
11  
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1                   On the 11th day of October, 1994, the  
2                   above-entitled and numbered cause came on for hearing  
3                   before said Honorable Court, Judge Gary R. Stephens of  
4                   Midlothian, Texas, serving by judicial assignment in the  
5                   District Court of Titus County, Texas, on change of venue  
6                   from Morris County, Texas, and the following proceedings  
7                   were had:

8                                   THE COURT: Let's get on the  
9                   record.

10                                  I do not have the jacket, I believe it's  
11                   the Cause No. in Titus County, Cause No. 12,764, "State  
12                   Vs. Billy Joe Wardlow."

13                                  Let the record reflect that both of the  
14                   attorneys for the Defendant and the Defendant himself is  
15                   present in the courtroom and that Mr. Richard Townsend  
16                   is present for the State of Texas.

17                                  The first order of business is a Motion  
18                   for Appointment of Co-Counsel.

19                                  This Motion was filed by Mr. Townsend  
20                   requesting the payment of Randall Lee, an Assistant  
21                   District Attorney of Cass County to be assisting him in  
22                   the voir dire.

23                                  Mr. Townsend, do you also wish Mr. Lee  
24                   to assist you in the trial of the case?

25                                  MR. TOWNSEND: Yes, Your

1 Honor.

2 THE COURT: Does the Defense  
3 have any objection?

4 MR. OLD: None, Your Honor.

5 THE COURT: I will appoint Mr.  
6 Lee and I understand that Mr. Lee has agreed to serve  
7 without additional compensation for Morris or Titus  
8 County.

9 Mr. Old, you had orally requested  
10 permission from the Court to have Co-Counsel?

11 MR. OLD: That's correct, Your  
12 Honor.

13 THE COURT: And you were  
14 present at our general voir dire, you had Lance Hinson  
15 present as Co-Counsel and at this point I will appoint  
16 him as Defense Co-Counsel and I will pay him in  
17 accordance with the discussion we had last time I was in  
18 town.

19 MR. OLD: Thank you, Your  
20 Honor.

21 MR. HINSON: Thank you, Your  
22 Honor.

23 THE COURT: Do we have any  
24 other matters to be taken up before we proceed with voir  
25 dire?



1 MR. OLD: Yes, Your Honor.

2 THE COURT: Mr. Old?

3 MR. OLD: Your Honor, at  
4 approximately 10:00 o'clock the State supplemented their  
5 Witness List that by order signed May 5th, 1994 Judge  
6 Thorpe ordered them to file prior to jury voir dire.

7 They added three names, one which is  
8 Tonya Fulfer, a Jim Stewart and a Joe McKinney.

9 These three names have been supplemented  
10 late in that voir dire of the jury started Thursday of  
11 last week, this being the 10th of October and I believe  
12 last Thursday being the 7th. We are surprised by this  
13 supplementation, it effects our ability to go forward on  
14 voir dire in that we only know who one of these persons  
15 is, the other two people I have no idea in this world.  
16 We don't have addresses for them or locations or numbers  
17 for them.

18 I cannot intelligently question a juror  
19 about their knowledge of a relationship with or the  
20 effect of these three people testifying without further  
21 investigation.

22 Additionally, Tonya Fulfer is also  
23 indicted with the same offense that Mr. Wardlow is under  
24 a separate number and indictment.

25 I received I believe by mail last

1 Thursday afternoon a statement informing me that the  
2 State had made a deal with Miss Fulfer and that she would  
3 be pleading to the offense of "Murder" as opposed to  
4 "Capital Murder" and that if I understood the agreement  
5 correctly Mr. Townsend and her attorney had agreed that  
6 they would let the jury determine her punishment but it  
7 being a non-capital offense.

8 Tonya Fulfer is in fact an accomplice  
9 witness. The fact that she had not been named as a  
10 witness prior to today I felt comfortable with I would  
11 not be confronted with her as a witness. I have not  
12 prepared myself to voir dire this jury on the effect of  
13 accomplice witnesses and the accomplice witness rule as  
14 to testimony of an accomplice.

15 We are surprised by the naming of these  
16 people and are not prepared to go forward at this time  
17 and first would request a mistrial.

18 THE COURT: Your request for  
19 a mistrial is denied.

20 MR. OLD: We would request a  
21 continuance this morning until we can determine who these  
22 people are and where they are located and identified them  
23 so that we may intelligently question the juror as to  
24 their knowledge of them.

25 THE COURT: Mr. Old, I'm not

1 familiar with the order that you referred to from Judge  
2 Thorpe. I'm going to take you at your word, I don't  
3 distrust you at all, so I'm going to assume that -- well,  
4 again tell me when was the State supposed to give you the  
5 information?

6 MR. OLD: Your Honor, there  
7 is an order in the file, I have a copy of what has been  
8 furnished me as an order.

9 It is granted and then Judge Thorpe next  
10 to his signature made a qualification as to when.

11  
12 (Handed to the Court.)

13  
14 THE COURT: You have handed  
15 me the last page of the order dated May 5th, 1994 signed  
16 by Judge Thorpe ordering that the Defendant's Motion for  
17 list of State witnesses is granted so I guess we need to  
18 see the motion to see what the actual motion itself  
19 requests.

20 Now, this was a motion filed prior to  
21 you being appointed as Counsel?

22 MR. OLD: Yes.

23 THE COURT: But you did, I  
24 assume rely on this motion?

25 MR. OLD: Yes.

1 THE COURT: Mr. Townsend,  
2 while we are looking up the order and motion would you  
3 like to respond?

4 The first thing I would like to know is  
5 who Mr. Stewart and Mr. McKinney are?

6 MR. TOWNSEND: Those are two  
7 people that were in jail during the period of time when  
8 Mr. Wardlow was in jail.

9 There is an Offense Report that has been  
10 provided to Mr. Old that details an occurrence that  
11 happened in the jail that they were witnesses to. He's  
12 aware of it. He read the report and he has a copy of  
13 that.

14 THE COURT: Are these  
15 witnesses you intend to use for punishment?

16 MR. TOWNSEND: If they are  
17 used -- I don't anticipate using them at all but if they  
18 are used at all it would be the punishment stage.

19 THE COURT: I understand that  
20 Tonya Fulfer, what I will refer to as the "Co-Defendant",  
21 and I heard from Mr. Old that you had made a deal with  
22 Tonya Fulfer and her lawyer, is that correct?

23 MR. TOWNSEND: I believe from  
24 what Mr. Old said he was aware of it last Thursday.

25 MR. OLD: Last Thursday

1 afternoon after voir dire in this case was concluded it  
2 was in my mail when I returned.

3 THE COURT: So you don't  
4 dispute what Mr. Old told me about the agreement?

5 MR. TOWNSEND: So far as the  
6 Thursday he himself --

7 THE COURT: No. I'm talking  
8 about the agreement itself to plead guilty to murder and  
9 have a jury assess punishment?

10 MR. TOWNSEND: No. I have no  
11 dispute.

12 THE COURT: Let me read that  
13 motion, I'll get back on the record.

14 Let's go off the record.

15  
16 (Off the record discussion.)

17  
18 THE COURT: Let's get back on  
19 the record.

20 Mr. Townsend, we were off the record for  
21 a moment and you began to tell Mr. Old who the witnesses  
22 were.

23 Would you please start again, sir?

24 And let the record reflect Mr. Townsend  
25 is talking in the courtroom in the presence of Mr.

1 Wardlow to Mr. Wardlow's attorney.

2 Mr. Townsend.

3 MR. TOWNSEND: Joe McKinney  
4 is one of the witnesses, potential witnesses listed.  
5 He's a lifelong Morris County citizen, he's currently  
6 residing in TDC.

7 We revoked his probation for a felony  
8 theft charge I believe. It was either that or possession  
9 of drugs, that I can find out for sure for you but I  
10 believe it was a theft.

11 In any case he's a convicted felon.

12 Jimmy Stewart I don't recall as much  
13 about other than he is a Morris County resident. I  
14 cannot give you his whereabouts at this time because I  
15 don't know them. In order for us to use him as a witness  
16 we are going to have to be able to locate him ourself.

17 MR. OLD: Is he on probation?

18 MR. TOWNSEND: I believe he's  
19 a convicted felon, that is information that I can get to  
20 you, you know, by tomorrow at the latest.

21 I don't believe he's on -- currently on  
22 probation. I think he's either currently on -- or  
23 currently, you know, out. I don't believe he's in jail  
24 anywhere at this time. I don't know where he is. I  
25 don't have an address on him.

1 MR. OLD: As to the witness  
2 Tonya Fulfer, would it be permissible, Your Honor, for  
3 me to inquire when this deal was made?

4 THE COURT: You may.

5 MR. TOWNSEND: I think the  
6 deal was made, you know, her attorney and I have talked  
7 about it back and forth for some time.

8 I think to say when the final deal was  
9 made, I guess it would have been two or three weeks ago.

10 MR. OLD: Your Honor, I don't  
11 have this letter with me, it's still on my desk but it  
12 was dated last week.

13 MR. TOWNSEND: Yes. We mailed  
14 the letter one day last week I am sure.

15 MR. OLD: That is pretty slow  
16 compliance to a letter of discovery right down to the  
17 point of being surprised and her being -- not being a  
18 witness in this case or listed as one is one that I have  
19 made decisions on as voir diring the jury, the extent  
20 that I would voir dire them on certain things.

21 I am entitled to rely on their witnesses  
22 that they designate them.

23 Our original discovery motions which  
24 were filed months ago requested whether or not there had  
25 been a deal made. That puts a different light on how we

1 are going to go forward, not only in selecting a jury,  
2 voir diring the jury on the law that applies to such  
3 witnesses commonly known as the "Accomplice Witness Rule"  
4 and we had not anticipated doing that.

5 It also puts our anticipated trial plan  
6 into a different light and it appears to me that the  
7 State, having made a deal several weeks ago and not  
8 informing us until last week has surprised us with that  
9 information and that we are not playing on level playing  
10 field and this is an unfair tactic and we would request  
11 that if this trial is going to go forward without recess  
12 then the name of Tonya Fulfer be struck from the Witness  
13 List and they be ordered not to call her as a witness.

14 THE COURT: Mr. Townsend, has  
15 Miss Fulfer pled guilty yet?

16 MR. TOWNSEND: No.

17 THE COURT: Do you have any  
18 agreement in writing between you, her attorney and her?

19 MR. TOWNSEND: I believe we  
20 did -- yes. We do.

21 THE COURT: When was that  
22 agreement reduced to writing and signed by all parties?  
23 When did you get the last signature on the agreement?

24 MR. TOWNSEND: I think I wrote  
25 a letter to Mac Cobb, it has been maybe a couple of



1 months ago and then subsequent to that the letter was  
2 just a letter saying this is what we agreed to do. It's  
3 not a matter of having signatures on it or anything.

4 Subsequent to that Mac and I have had  
5 verbal conversations where he and I agreed that that  
6 would be our agreement. We do not have signatures, it  
7 is not reduced to writing, it's just Mac and I have known  
8 each other for a long time, I trust his word, he trusts  
9 mine. That's the sort of agreement we have. We do not  
10 have an agreement in writing where she has signed it or  
11 he has signed it or I have signed.

12 THE COURT: Does the agreement  
13 contemplate that Miss Fulfer will enter her plea before  
14 or after this trial begins?

15 MR. TOWNSEND: It will be  
16 after -- after this trial is over.

17 Actually, Your Honor, I don't anticipate  
18 using her as a witness but there is some small  
19 possibility of that.

20 THE COURT: With her on the  
21 Witness List I certainly think that Mr. Old has a right  
22 to request for a continuance.

23 I'm not going to grant the request to  
24 strike her from the Witness List. I have already denied  
25 the Motion for a Mistrial.

1 I do believe that since the State has  
2 in essence has an ongoing discussion concerning this  
3 agreement that the supplementing of the Witness List at  
4 this time is not such a great surprise that it works such  
5 a hardship on the Defense that we can't go forward but  
6 I do believe the Defense has a right to reasonable time  
7 to either interview Miss Fulfer or reevaluate their  
8 approach on voir dire and for trial.

9 Now, as far as Mr. Stewart is concerned;  
10 since the State does not even know where he is I'm not  
11 concerned with any recess necessary to find or talk to  
12 Mr. Stewart.

13 If Mr. McKinney is -- is in TDC I  
14 certainly think that he could be contacted even though  
15 you are going to have to go to Huntsville to do it and  
16 obviously you will need some time to do that.

17 So what I'm going to do right now is to  
18 recess until 1:00 o'clock, at 1:00 o'clock I want both  
19 parties, meaning lawyers, back here.

20 In the meantime I want Mr. Townsend to  
21 try to find out the whereabouts of Mr. Stewart and Mr.  
22 McKinney and find out what they are charged with, what  
23 kind of records they have and provide that information  
24 to the Defense.

25 I'm not going to order the State right

1 now to divulge the contents of the testimony that -- the  
2 testimony that the State intends to elicit, I would  
3 request that Mr. Townsend reveal that information if he  
4 thinks he can do so without jeopardizing his case. If  
5 Mr. Townsend will not reveal the incident that Mr.  
6 Stewart and Mr. McKinney will testify about then I will  
7 order Mr. Townsend to so inform the Court in an in-camera  
8 hearing out of the Defense's presence.

9 Mr. Townsend?

10 MR. TOWNSEND: Your Honor, Mr.  
11 Old has an Offense Report that would indicate what their  
12 testimony would be, if he does not have that I would be  
13 glad to provide that.

14 Do you recall the situation I'm talking  
15 about?

16 MR. OLD: Well, I have got  
17 about three spiral notebooks full of discovery material  
18 and I will be honest with the Court, I think I know what  
19 he's talking about but I'm not sure.

20 THE COURT: Let's get a copy  
21 of the Offense Report and tender it to Mr. Old either in  
22 the afternoon or in the morning so he can be fully  
23 apprised of the incident that these two witnesses will  
24 reveal in Court.

25 Now, back to the length of the delay,

1 at 1:00 o'clock today, Mr. Old, I want you to tell me  
2 whether you are ready to proceed or whether you are going  
3 to need some more time and if so how much time do you  
4 think you will need.

5 MR. OLD: Your Honor, may I  
6 indulge the Court?

7 There was another thing submitted to me,  
8 I want to make an objection on it, I think it would  
9 probably be best to take it up at this time.

10 THE COURT: You may proceed.

11 MR. OLD: This morning at  
12 around 10:00 o'clock prior to our 10:30 setting I  
13 received from Mr. Townsend a piece of paper entitled  
14 "Punishment Evidence."

15 I would like to have a copy of it marked  
16 as "Exhibit 2" and for purposes of the record, Your  
17 Honor, can I have a copy of the Witness List or note they  
18 tendered me, can I have it marked as "Exhibit 1?"

19 THE COURT: You may.

20  
21 (Voir Dire Exhibit Numbers 1 and 2 were  
22 marked for identification.)

23  
24 MR. OLD: Your Honor, we would  
25 offer Exhibits 1 and 2 at this time and ask they be

1 received.

2 THE COURT: Mr. Townsend?

3 MR. TOWNSEND: No objection.

4 THE COURT: Both of the  
5 exhibits are admitted as Voir Dire Exhibits 1 and 2.

6  
7 (Voir Dire Exhibit Numbers 1 and 2 were  
8 received in evidence.)

9  
10 MR. OLD: Your Honor, what I  
11 was told about this document, it purports to be  
12 extraneous offenses which the State intends to offer at  
13 the punishment phase of this trial.

14 By our discovery motion filed February  
15 7th of this year a written specification of all prior  
16 misconduct and evidence of extraneous offenses which the  
17 State intends to use against the Defendant which  
18 specification should include the date, time, place and  
19 nature of such misconduct and/or extraneous offenses in  
20 order to fully apprise and notify the Defendant of all  
21 such evidence and thus present opportunity to challenge  
22 if a challenge is relevant as to materiality and  
23 probative value to trial and to prepare a defense as to  
24 such State's evidence.

25 That order was granted by Judge Thorpe

1 5/18/94, his order is handwritten at the bottom of the  
2 motion if I am reading it correctly and if Mr. Townsend  
3 wants to read over my shoulder and correct me that's  
4 fine, Judge.

5 "Granted by agreement."

6 Richard, I do not understand the  
7 abbreviation.

8 THE COURT: Let me locate that  
9 order. I am familiar with Judge Thorpe's handwriting,  
10 maybe I can decipher it, maybe we can find it in this  
11 file.

12 MR. OLD: I think it's "If the  
13 State seeks to object to any probative item, must bring  
14 it to attention of Court within two weeks of this order.  
15 If State's response to request is that no such evidence  
16 exists or is not in their possession such notation should  
17 be made."

18 THE COURT: Go off the record.

19  
20 (Off the record discussion.)

21  
22 THE COURT: Let's get back on  
23 the record.

24 The Court is in the process of  
25 reviewing the Motion for Discovery, I want the record to

1 reflect -- I'm sure the record will reflect that Judge  
2 Thorpe was originally assigned to hear this case and  
3 because of a personal tragedy that occurred in Judge  
4 Thorpe's family, he asked to be removed from this case  
5 shortly after the time I think that most of these orders  
6 were entered.

7 After that occurred I was assigned to  
8 this case and the first appearance I made was last  
9 Thursday which would have been October the 6th.

10 I have reviewed the file but I'm not  
11 familiar with each and every order, the way I view the  
12 order of May 18th the State has two weeks from May 18th  
13 to object to Judge Thorpe's ordering the State to reveal  
14 the information requested in the Motion for Discovery and  
15 Inspection of Evidence.

16 I do not see anything in writing from  
17 the State so I assume the State does not have an  
18 objection to revealing whatever is ordered to be revealed  
19 by that motion.

20 So we get down to the question of  
21 whether or not there has been an adequate or sufficient  
22 time and notice given to the Defense.

23 Now, Mr. Townsend, do you have any  
24 statement you wish to make concerning where you are in  
25 revealing to Mr. Old all of the evidence that you have

1       been ordered to reveal?

2                   In other words, do we have more  
3       surprises? Do we have anymore evidence that has not been  
4       tendered that you anticipate tendering or delivering?

5                   MR. TOWNSEND: Nothing more  
6       than that I anticipate that letter there I think would  
7       be the punishment evidence so far as extraneous offenses,  
8       bad acts, and I would say that I believe when I -- I may  
9       have only supplied Mr. Old with that list this morning,  
10      I have supplied him with Offense Reports and Officer's  
11      Reports and that sort of thing that relate to those  
12      incidents and those were supplied to him a good while  
13      ago other than maybe a couple of items that have been  
14      maybe occurred in the last few weeks and they were  
15      supplied to him as quickly as I got them.

16                  That's the formalized list of things,  
17      I handwrote that out yesterday, gave it to him this  
18      morning and I will get a formal list, letter on this  
19      later but the actual instances themselves he has had  
20      knowledge of for quite some time.

21                  THE COURT: Mr. Old, do you  
22      have any other motions or objections to any of the  
23      proceedings or failure to comply with orders?

24                  MR. OLD: Not to my knowledge  
25      at this time, Your Honor.



1 THE COURT: We are going to  
2 recess until 9:00 a.m. tomorrow morning.

3 This afternoon first I want the District  
4 Clerk to release our jurors for today, I want them  
5 rescheduled for tomorrow morning which means you are  
6 going to have to reschedule tomorrow morning.

7 Tomorrow morning we will meet, whether  
8 we proceed or not will depend on what happens this  
9 afternoon.

10 Mr. Townsend, this afternoon I want you  
11 to prepare a formal written letter to Mr. Old complying  
12 with the Motion for Discovery and telling him what  
13 evidence you do or do not anticipate to use in the guilt  
14 or punishment phase of the trial. This is in the order,  
15 it was Judge Thorpe's order, I just want compliance to  
16 it.

17 You have waived any objection by not  
18 objecting so comply with that order by tomorrow morning  
19 by 9:00 a.m.

20 Mr. Old, you have the information  
21 concerning the three witnesses that have been added to  
22 the Witness List, I'm not going to order the State to  
23 delete those witnesses from the Witness List.

24 Tomorrow morning I will hear from you  
25 as to what time, if any you need to prepare your voir

1       dire to cover those three witnesses.

2               If you have in good faith a need for  
3 more time I will grant you more time, if you don't then  
4 I intend to proceed tomorrow morning.

5               Does either side have an objection to  
6 the Court's order and ruling?

7                       MR. TOWNSEND:     I have no  
8 objection, Your Honor.

9               Just for clarification, though; what  
10 -- the punishment evidence, I -- I think I'm clear on  
11 what you want me to do so far as -- and I think Bird  
12 knows, he has been straight forward about it, I think he  
13 knows what the punishment evidence is. I have no problem  
14 preparing that.

15               What is the Court requiring me to  
16 prepare in the way of detailing to Mr. Old what the guilt  
17 or innocence phase of the trial is going to be like?

18                       THE COURT:   Let me go back to  
19 that order.

20  
21                       (Off the record discussion.)

22  
23                       THE COURT:   Back on the  
24 record.

25               I have pieced together what I believe

1 is the Motion for Discovery, Production and Inspection  
2 of Evidence No. 1 filed on February 7th, 1994. I have  
3 provided a copy of that motion and order to both the  
4 State and Defense.

5 Mr. Townsend, I want you to be prepared  
6 at 9:00 in the morning to either comply with this motion  
7 in writing with a letter handed to Mr. Old together with  
8 all of any relevant documents requested or I want you to  
9 be prepared to state into the record the fact that you  
10 do or do not have such evidence requested and to detail  
11 the evidence on the record.

12 I will leave it up to you as to which  
13 way you wish to proceed.

14 If you have any printed documents that  
15 will be made part of this case that are covered by that  
16 motion make copies of those written documents for Mr. Old  
17 to review. If you believe that any of the inquiries have  
18 to do with work product then we will take up tomorrow  
19 morning. I think if such an objection happens to arise,  
20 and I realize, Mr. Old, that Judge Thorpe stated he must  
21 object within two weeks but I will entertain an objection  
22 concerning work product if there is a possible work  
23 product problem.

24 And Mr. Townsend is shaking his head so  
25 I anticipate that will not come up.

1                   Now then, Mr. Townsend, are you clear  
2                   on what I want tomorrow?

3                   MR. TOWNSEND: I believe I am.

4                   THE COURT: Mr. Old, do you  
5                   have anymore requests for today?

6                   MR. OLD: No.

7                   THE COURT: Mr. Hinson, do you  
8                   have any requests?

9                   MR. HINSON: No.

10                  THE COURT: Then we are in  
11                  recess.

12  
13                  (Record closed for October 11th, 1994.)

14  
15                  (Whereupon Court was recessed until 9:00  
16                  a.m., October 12th, 1994.)

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1 STATE OF TEXAS §  
 2 COUNTY OF TITUS §

3  
 4 I, Lloyd E. Billups, CSR #149 and  
 5 Official Court Reporter in and for the 76th Judicial  
 6 District, State of Texas, do hereby certify that the  
 7 above and foregoing contains a true and correct  
 8 transcription of the proceedings in the above-styled and  
 9 numbered cause, all of which occurred in open court or  
 10 in chambers on October 11, 1994 and were reported by me.

11 I further certify that this  
 12 transcription of the record of the proceedings truly and  
 13 correctly reflects the exhibits, if any, offered by the  
 14 respective parties.

15 WITNESS MY HAND this 31<sup>ST</sup> day of  
 16 January, 1995.

17 

18 LLOYD E. BILLUPS, CSR #149 & OFFICIAL COURT REPORTER  
 19 76TH JUDICIAL DISTRICT, STATE OF TEXAS

1       Certification Number of Reporter: 149  
2       Expiration Date of Certification: 12/31/96  
3       Business Address: Drawer 1868  
4                                   Mt. Pleasant, Texas 75456-1868  
5       Telephone Number: 903/577-6735  
6       Transcribed By: Tandra K. Gibson  
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